

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**MICHELLE LOSCALZO,**

**Plaintiff,**

- against -

**NEW ROC MOTORCYCLES, LLC**

**Defendant.**

**Case No.: 07 CIV 3046  
(CLB)**

**NOTICE OF MOTION  
BY DEFENDANT  
FOR PARTIAL  
SUMMARYJUDGMENT**

PLEASE TAKE NOTICE that upon the Defendant's accompanying Statement of Undisputed Material Facts pursuant to Local Rule 56.1, the Affidavit of Patricia Mass, sworn to December 7, 2007, the Affidavit of John Meskunas, sworn to on December 7, 2007, the Declaration of Mary Ellen Donnelly, dated December 7, 2007, the accompanying Memorandum of Law, dated December 7, 2007, and all of the Exhibits submitted herewith, including Plaintiff's Amended Complaint;

Defendant hereby moves this Court for an Order pursuant to Federal Rule of Civil Procedure 56 granting it summary judgment with respect to all the claims of retaliation asserted against it by Plaintiff Michelle Loscalzo, and for such other and further relief as to the Court seems just and proper in circumstances.

Dated: New York, New York  
December 7, 2007

Respectfully submitted,

PUTNEY, TWOMBLY, HALL & HIRSON LLP

By: \_\_\_\_\_/s/\_\_\_\_\_

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(212) 682-0020

*Attorneys for Defendant,*

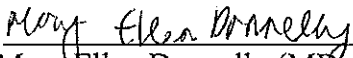
*New Roc Motorcycles, LLC*

To: Jeffrey Bernbach, Esq.  
Bernbach Law Firm PLLC  
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White Plains, NY 10601  
(914) 428-9100  
*Attorneys for Plaintiff*  
*Michelle Loscalzo*

**CERTIFICATE OF SERVICE**

The undersigned, a member of the Bar of this Court, hereby certifies that she caused a true and accurate copy of the foregoing Notice of Motion in support of Defendant's Motion to Dismiss to be served via electronic filing and overnight mail on December 7, 2007 upon:

Jeffrey M. Bernbach  
Attorney for Plaintiff  
245 Main Street, 5th Floor  
White Plains, New York, NY 10601

  
Mary Ellen Donnelly (MD 4396)  
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